

Application No. 10/686,138
Response dated January 21, 2008
Reply to Office Action of December 27, 2007

REMARKS/ARGUMENTS

Applicant has reviewed and considered the Office Action dated December 27, 2007, and the references cited therewith.

No claims are amended, cancelled, or added; as a result, Claims 1-9, 12-19, and 22-24 are now pending in this application.

Restriction

The Office Action asserted that an election of one of the following inventions was required under 35 USC 121:

Group I. Claims 1-9, 12-19, and 22 drawn to a device, classified in class 623, subclass 1.15.

Group II. Claims 23 and 24, drawn to a method, classified in class 128, subclass 898.

Applicant provisionally elects, with traverse, the invention of Group I (claims 1-9, 12-19, and 22) for prosecution. Applicant reserves the right to prosecute the subject matter recited in claims 23 and 24 in one or more continuation and/or divisional applications.

The Restriction Requirement is traversed on the basis that if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits. M.P.E.P. §803. Additionally, the Restriction Requirement and the Election of Species are traversed on the basis that a Restriction Requirement and Election of Species are optional. M.P.E.P. §806. Finally, it is submitted that Applicant should not be required to incur the additional costs associated with the filing of multiple applications in order to obtain protection for the claimed subject matter.

Accordingly, reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

Rev. 12/06

Page 6 of 7

Application No. 10/686,138
Response dated January 21, 2008
Reply to Office Action of December 27, 2007

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 236-0122 to facilitate prosecution of this matter.

CERTIFICATE UNDER 37 C.F.R. §1.8: The undersigned hereby certifies that this correspondence is being transmitted to the United States Patent Office facsimile number (571) 273-8300 on January 22, 2008

Jillian K. Awe
Name

Jillian Awe
Signature

Respectfully Submitted,
Brian J. Brown, et al.

By Applicants' Representatives,
Brooks, Cameron & Huebsch, PLLC
1221 Nicollet Avenue, Suite 500
Minneapolis, MN 55403

By: Joseph C. Huebsch
Joseph C. Huebsch
Reg. No. 42,673

Date: 21 Jan. 2008